

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

AHADU TADESSE,)	
Complainant,)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 97B00118
)	
UNITED STATES POSTAL)	Marvin H. Morse
SERVICE,)	Administrative Law Judge
Respondent.)	

ORDER SCHEDULING PREHEARING CONFERENCE
(January 9, 1998)

This Order confirms that a prehearing conference in this proceeding will be conducted by telephone on Tuesday, January 20, 1998 at 2:00 p.m., EST, 1:00 p.m. CST, as previously advised and arranged by the Judge's staff. The conference will be initiated by my Office.

1. Prior to the conference, the parties shall attempt settlement. The Declaration of Brenda Lightening Tolbert, which Respondent itself submitted, admits that she advised Postal "personnel to ensure that **applicants** complete the Form I-9 and that they meet the Postal Service's permanent resident status." That concession warrants further inquiry into the merits of the Postal Service defense of the discrimination charge.

2. If no settlement is reached, the prehearing conference will focus primarily on the scheduling of an evidentiary hearing. In addition, the parties should be prepared to discuss trial preparation in the context of the final rules of practice and procedure of this Office, 28 C.F.R. Part 68, particularly those sections governing prehearing statements and prehearing conferences, i.e., § 68.12(b).

3. An original and two copies of all pleadings shall be filed with my office.

4. The parties should not provide copies to the Judge of either discovery requests or responses. If, however, a request for relief is filed, it should be accompanied by the underlying requests or responses. I will not entertain any discovery motion unless:

A) I direct otherwise, or

B) the motion is accompanied by a certification that the moving party has conferred, or has made a reasonable effort to confer, with the opposing party concerning the matter.

SO ORDERED.

Dated and entered this 9th day of January, 1998.

Marvin H. Morse
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Order Scheduling Prehearing Conference were mailed first class this 9th day of January 1998 addressed as follows:

Complainant

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